



BILLING CODE: 4510-26-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA-2013-0030]

**International Association of Plumbing and Mechanical Officials EGS: Grant of
Expansion of Recognition**

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for International Association of Plumbing and Mechanical Officials EGS as a Nationally Recognized Testing Laboratory (NRTL).

DATES: The expansion of the scope of recognition takes place on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: meilinger.francis2@dol.gov.

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, telephone: (202) 693-2110; email: robinson.kevin@dol.gov.

OSHA's web page includes information about the NRTL Program (see <http://www.osha.gov/dts/otpc/nrtl/index.html>).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of International Association of Plumbing and Mechanical Officials EGS (IAPMO) as a NRTL. IAPMO's expansion covers the addition of four test standards to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the Federal Register in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at: <http://www.osha.gov/dts/otpc/nrtl/index.html>.

IAPMO submitted an application, dated January 12, 2016, (OSHA-2013-0030-0006) to expand its recognition to include eight additional test standards. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA staff performed an on-site review of IAPMO's testing facility on March 1-2, 2016, in relation to this application, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. IAPMO addressed these issues sufficiently, and OSHA staff determined that OSHA should grant the application to expand IAPMO's NRTL recognition to include four of the eight requested standards.

OSHA published the preliminary notice announcing IAPMO's expansion application in the Federal Register on March 15, 2017 (82 FR 13868). The Agency requested comments by March 30, 2017, and received three comments in response to this notice. One comment supported IAPMO's expansion application (OSHA-2013-0030-0010), while the other two (OSHA-2013-0030-0008 and OSHA-2013-0030-0009) were not specifically related to it, but rather questioned the funding and oversight of the NRTL Program more generally. Because the comments were anonymous, the Agency could not respond directly to the commenters. However, the Agency reiterates that its NRTL procedures are governed by 29 CFR 1910.7 and notes that these procedures serve simply to protect workers under the OSH Act by allowing NRTLs to certify that a particular product complies with the requirements of one or more appropriate product safety test standards. OSHA now is proceeding with this final notice to grant expansion of IAPMO's scope of recognition.

To obtain or review copies of all public documents pertaining to IAPMO's application, go to: <http://www.regulations.gov> or contact the Docket Office, Occupational

Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3653, Washington, DC 20210. Docket No. OSHA-2013-0030 contains all materials in the record concerning IAPMO's recognition.

II. Final Decision and Order

OSHA staff examined IAPMO's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that IAPMO meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant IAPMO's scope of recognition. OSHA limits the expansion of IAPMO's recognition to testing and certification of products for demonstration of conformance to the test standards listed in Table 1 below.

Table 1

List of Appropriate Test Standards for Inclusion in IAPMO's

NRTL Scope of Recognition

Test Standard	Test Standard Title
UL 875	Standard for Electric Dry-Bath Heaters
UL 979	Standard for Water Treatment Appliances
UL 1241	Standard for Junction Boxes for Swimming Pool Luminaires
UL 1261	Standard for Electric Water Heaters for Pools and Tubs

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also

covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standards listed above as American National Standards. However, for convenience, OSHA may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1-0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, IAPMO must abide by the following conditions of the recognition:

1. IAPMO must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. IAPMO must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. IAPMO must continue to meet the requirements for recognition, including all previously published conditions on IAPMO's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of IAPMO, subject to the limitation and conditions specified above.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on September 25, 2017.

Loren Sweatt,
Deputy Assistant Secretary of Labor for Occupational Safety and Health.

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